

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DERRICK CAIN,

Plaintiff,

v.

UNITED STATES DEPARTMENT  
OF JUSTICE and UNITED STATES  
MARSHAL SERVICE,

Defendants.

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Case Number 19-12483

Honorable David M. Lawson

Magistrate Judge Michael J. Hluchaniuk

**ORDER ADOPTING REPORT AND RECOMMENDATION TO  
DISMISS DEFENDANT UNITED STATES MARSHAL SERVICE**

Presently before the Court is the report issued on April 21, 2020 by Magistrate Judge Michael J. Hluchaniuk pursuant to 28 U.S.C. § 636(b), recommending that the Court dismiss defendant United States Marshal Service without prejudice from the case. Although the report stated that the parties to this action could object to and seek review of the recommendation within fourteen days of service of the report, no objections have been filed thus far. The parties' failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation (ECF No. 12) is **ADOPTED**.

It is further **ORDERED** that defendant United States Marshal Service is **DISMISSED**  
**WITHOUT PREJUDICE** from this case.

s/David M. Lawson  
DAVID M. LAWSON  
United States District Judge

Dated: May 18, 2020